



**CITY OF MORGAN HILL
COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, NOVEMBER 7, 2001

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

*A Special Meeting is called at 6:30 P.M. for the purpose of
conducting Closed Sessions.*

Dennis Kennedy, Mayor/Chairperson

6:30 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:30 P.M.

City Council Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Section 54956.9(b) & (c)

Number of Potential Cases: 3

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION & CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8 & 54946.9(c)

Property: APN 779-05-010 & 010; 13865 Monterey Road (46.96 acres)

Negotiating Parties:

For City/Agency: City Manager/Executive Director; Public Works Director, Director of Business Assistance & Housing Services; City Attorney/Agency Counsel; Special Counsel

For Property Owners: William Sing and Young Kay Mock; The GFI Company

Closed Session Topic: Acquisition of Real Property

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.

Case No: C 01-20976 PVT, United States District Court, Northern District of California

4.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Attorney

Attendees: City Council

City Council and Redevelopment Agency Action

5.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Santa Clara County Superior, No. CV 799179; USDC Northern California No. C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

6.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Virginia Lomanto Trustee
Closed Session Topic:	Acquisition of Real Property

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Recreation

Nancy Harris, Office Assistant I

CERTIFICATE OF RECOGNITION

Dennis Heinsohn, Boy Scout Leader (Posthumously)

PRESENTATION

Flag Flown Over World Trade Center
(Captain Sullivan)

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

City participation in 2001 "Taste of Morgan Hill" Event

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #14 and Agenda Items #15 through #16 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **APPROPRIATION OF FUNDS TO PURCHASE A POLICE K-9** 1
Recommended Action(s): **Appropriate** \$7,500 from the Asset Seizure Fund (225) for the Purchase of a New Police K-9.
2. **BI-ANNUAL VACANCY RATE SURVEY** 3
Recommended Action(s): **Establish** the Bi-annual Vacancy Rate for October 2001 as Recommended by the Planning Commission.
3. **AMEND ADOPTED POLICY RELATING TO CITY COUNCIL'S ORDER OF BUSINESS** 15
Recommended Action(s): **Approve** Amendment to Policy Regarding City Council Order of Business.
4. **2001 HAZARDOUS VEGETATION MANAGEMENT PROGRAM** 27
Recommended Action(s): **Adopt** Resolution No. 5532 Declaring Hazardous Vegetation to Be a Nuisance and Setting December 5, 2001 as the Date for the Public Hearing Regarding Hazardous Vegetation Abatement.
5. **APPROVAL OF CONTRACT WITH DOWNEY, BRAND, SEYMOUR & ROHWER, LLP, AND LAW OFFICES OF STEPHAN C. VOLKER** 57
Recommended Action(s):
 1. **Authorize** Staff to Execute Contracts for Legal Services with Downey, Brand, Seymour & Rohwer, LLP, and Law Offices of Stephan C. Volker, and
 2. **Authorize** Transfer of \$110,000 from General Fund to City Attorney's Budget for Cost of Additional Legal Services.
6. **VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT ON LOT 7, TRACT NO. 6034** 59
Recommended Action(s):
 1. **Adopt** Resolution No. 5533 Declaring Summary Vacation of a Portion of a Public Utility Easement on Lot 7, Tract No. 6034, 872 English Walnut Court; and
 2. **Direct** the City Clerk to File a Certified Copy of the Resolution in the Office of the County Recorder of the County of Santa Clara.
7. **APPROPRIATE \$35,000 TO REIMBURSE MORGAN HILL UNIFIED SCHOOL DISTRICT (MHUSD) FOR PUBLIC IMPROVEMENTS ADJACENT TO BRITTON MIDDLE SCHOOL** 65
Recommended Action(s): **Appropriate** \$35,000 from the Unappropriated Street Fund Balance for This Reimbursement.
8. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR MIYASAKA** 71
Recommended Action(s):
 1. **Adopt** Resolution 5534 Accepting the Public Improvements for Miyasaka; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

9.	<u>AWARD OF PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF THE TENNANT AVENUE WIDENING, PHASE III PROJECT</u>	77
	Recommended Action(s): <u>Approve</u> the Proposal from MH Engineering Co., Inc. in the Amount of \$33,800 and <u>Authorize</u> the City Manager to Execute a Professional Services Agreement for Design Services for the Tennant Avenue Widening, Phase III Project.	
10.	<u>SUBDIVISION APPLICATION SD 01-05: E. CENTRAL - MORGAN LANE</u>	83
	Recommended Action(s): <u>Take No Action</u> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
11.	<u>SURPLUS COMMUNITY DEVELOPMENT VEHICLES</u>	111
	Recommended Action(s): <u>Declare</u> Vehicles as Surplus and Authorize Sale at Auction.	
12.	<u>GENERAL PLAN IMPLEMENTATION PROGRAM</u>	115
	Recommended Action(s): <u>Adopt</u> Implementation Program by Minute Action.	
13.	<u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR OCTOBER 17, 2001</u>	155
14.	<u>APPROVE SPECIAL CITY COUNCIL AND SPECIAL PLANNING COMMISSION MEETING MINUTES FOR OCTOBER, 29, 2001</u>	179

City Council & Redevelopment Agency Action

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
15.	<u>APPROVE SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES FOR OCTOBER, 24, 2001</u>		185
16.	<u>APPROVE SPECIAL REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES FOR OCTOBER, 24, 2001</u>		195
<u>PUBLIC HEARINGS:</u>			
	Time Estimate		Page
17.	5 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-99-04: EAST DUNNE-MORGAN MEADOWS</u>	199
		Recommended Action(s): Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action-	<u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment Ordinance No. 1534, N.S.;
			<u>Motion to Introduce</u> Ordinance No. 1534, N.S. by Title Only.
18.	5 minutes	<u>DEVELOPMENT AGREEMENT APPLICATION DA-01-07: MISSION VIEW-DIVIDEND</u>	227
		Recommended Action(s): Request staff presentation.	

Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action- Motion to Waive the Reading in Full of the Development
Agreement Ordinance No. 1535, N.S.;
Motion to Introduce Ordinance No. 1535, N.S. by Title Only.

19. 5 minutes DEVELOPMENT AGREEMENT APPLICATION DA-01-06: COCHRANE - COYOTE ESTATES 253

Recommended Action(s): Request staff presentation.

Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.

Action- Motion to Waive the Reading in Full of the Development
Agreement Ordinance No. 1536, N.S.;
Motion to Introduce Ordinance No. 1536, N.S. by Title Only.

20. 5 minutes ZONING AND DEVELOPMENT AGREEMENT APPLICATIONS ZA-01-10/DA-01-03/EA-01-26: E. CENTRAL - MORGAN LANE (APN 726-28-001, 726-28-002, 726-20-003) 281

Recommended Action(s): Request staff presentation.

Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.

Action- Motion to Approve Mitigated Negative Declaration
Action- Motion to Waive the Reading in Full of the Residential Planned
Development (RPD) Ordinance No. 1537, N.S.;
Motion to Introduce Ordinance No. 1537, N.S. by Title Only.
Action- Motion to Waive the Reading in Full of the Development
Agreement (DA) Ordinance No. 1538, N.S.;
Motion to Introduce Ordinance No. 1538, N.S. by Title Only.

OTHER BUSINESS:

	Time Estimate		Page
21.	10 minutes	<u>LOCAL LAW ENFORCEMENT BLOCK GRANT</u>	321
		Recommended Action(s):	
		1. <u>Authorize</u> City Manager to Apply for and Accept a Local Law Enforcement Block Grant in the Amount of \$10,070;	
		2. <u>Accept</u> the Spending Plan as Presented;	
		3. <u>Appropriate</u> \$1,119 in Unallocated Reserves as Grant Matching Funds.	
		4. <u>Authorize</u> the Transfer of \$11,189 in Fiscal Year 01/02 from the Law Enforcement Block Grant Fund (205) to the General Fund (010); and	
		5. <u>Appropriate</u> \$11,189 in Fiscal Year 01/02 for Specific Grant Expenditures.	
22.	5 minutes	<u>SUPPLEMENTAL LAW ENFORCEMENT FUND</u>	325
		Recommended Action(s): <u>Approve</u> the Fiscal Year 00/01 Spending Plan for Supplemental Law Enforcement Funding Program	
23.	10 minutes	<u>CONTRACT FOR GRANTWRITING AND DEVELOPMENT SERVICES</u>	327
		Recommended Action(s):	
		1. <u>Appropriate</u> \$90,000 from The General Fund Reserve, and	

2. **Authorize** The City Manager to Execute a Contract with Randall Funding and Development Not to Exceed \$90,000 Subject to Final Approval of Form by the City Attorney.

24. 10 minutes CITY CLEANUP ACTIVITIES 329

Recommended Action(s):

1. **Receive and File** Report on City Beautification Day;
2. **Provide** Direction to Staff on Code Enforcement Relating to Litter on Private Property; and
3. **Provide** Direction to Staff on a Litter Abatement Campaign and, if a Campaign is Desired, Make an Appropriation of \$20,000 to Pay for the Campaign.

25. 5 minutes SITE MASTER PLAN FOR SPORTS AND AQUATICS COMPLEX 331

Recommended Action(s): **Authorize** the City Manager to Enter into an Agreement with Beals Companies for Site Master Plan Services for the Sports and Aquatics Complex in an Amount Not to Exceed \$25,000.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT